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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/414,290
Filing Date: October 07, 1999
Appellant(s): ENRIGHT ET AL.

MAILED

DEC 14 2006

GROUP 3600

Ralph E. Jocke (Reg. No. 31,029)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 25, 2006 appealing from the
Office action mailed March 30, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application 10/603,266, presently on appeal awaiting decision by the Board of Appeals, claims priority to Provisional application 60/103,731.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments contained in the brief is correct. No final rejection is pending. Therefore, no amendments to the claims were requested to be admitted after a final rejection.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,354,954	Eisenberg	10-1994
6,014,183	Hoang	01-2000
6,023,507	Wookey	02-2000

Anonymous. "Java goes full circle." Bank Technology News. New York: Dec 1996.
Vol.9, Iss. 12.

- The applicant refers to this article as "Java" in the brief. The examiner, in previous actions has referred to the same article as "Anonymous." Please note that these two terms refer to the same article.

Kevin McManus. "Eye for an Eye at ATMs of Future." Washington Post. Buffalo News. Buffalo, N.Y.: May 19, 1996. pg . F.12.

Barthel, Matt. "Digital storage weighed for ATM surveillance." American Banker. New York, N.Y.: Feb 22, 1994. pg 20.

Anonymous. "Digital tape storage predicted to grow 'astronomically.' Security. Troy: jul 1997. Vol.34, Iss.7; pg. 46, 2 pgs.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13, 17, 22, and 25-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg (US 5,354,974) in view of Anonymous (Anonymous "Java goes full circle." Bank Technology News. New York: Dec 1996. Vol.9, Iss.12; pg 9, 3 pages).

Re Claim 1: Eisenberg discloses an apparatus comprising

- An automated banking machine carrying out at least one transaction function (Column 2, lines 59-68)
- At least one camera adjacent the banking machine, wherein the camera is operative to produce camera signals corresponding to images (Column 3, lines 13-16)
- A computer (Fig 1, 10), wherein the computer is in operative connection with the machine and the camera (FIG 1) and wherein the computer is operative to include image data corresponding to the camera signals responsive to the machine carrying out at least one transaction function (Column 3, lines 45-53)

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- At least one communication network in operative connection with the computer (Column 2, lines 1-3)
- A user terminal including an output device in operative connection with the network and is operative to output images corresponding to the image data through the output device (Column 2, lines 1-3)

Eisenberg does not explicitly disclose wherein

- The computer includes a server in operative connection with a data store
- The communication network is in operative connection with the server
- The user terminal includes a browser, and wherein the user terminal communicates with the server through the browser

Anonymous discloses the use of a centralized server, accessible by an automated teller machine that is in operative connection to a database (Page 2, paragraph 6 under "ATM's on Intranets"). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg so that an ATM will be able to access and consult an exterior source of information that holds data related to the customer using the machine. This would provide an efficient way for the machine to both access, record and store customer data without having to store each customer's account locally and furthermore would provide a more extensive database with more customer information available.

Finally, Anonymous discloses automated teller machines that are equipped with browsers and connected to a TCP/IP compliant network (See Abstract and Page 2, paragraph 1). It would have been obvious to anyone skilled in the ordinary art at the

time of invention to include the teachings of Anonymous to the disclosure of Eisenberg to allow for the downloading and implementation of new or otherwise absent transaction functions to any ATM, as well as allow the ATM to consult outside sources, like a Bank website. This feature would further allow an ATM to be upgraded to include the latest technology in a fast and efficient manner, and provide the customer with state of the art features, and access to online banking functions.

Re Claim 2: Eisenberg in view of Anonymous discloses the claimed apparatus supra and Eisenberg further discloses wherein the banking machine is operative to provide cash (Fig 1, Ref 4) and wherein the computer is operative to include image data in the data in the data store responsive to the machine operating to provide cash (Column 3, lines 13-16 and 50-53)

Re Claims 3: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the data store includes instructions including data representative of a predetermined amount, and wherein the computer is operative to include image data in the data store when an amount of cash provided by the machine is at least the predetermined amount. However, the camera of Eisenberg is actuated by certain prompts entered into the system (emergency PIN) and could easily be adapted to include other sorts of prompts, including the withdrawal of a certain amount of money. The purpose of the Eisenberg apparatus is to prevent theft at an ATM machine through the use of an entered emergency PIN. However it would have been obvious to anyone skilled in the ordinary art at the time of invention to include

other means to prompt the security features of the apparatus to operate in case the user has already entered their real PIN before being accosted. In this manner, a user of the ATM will have multiple opportunities to alert the authorities throughout the banking process, not just at the start. The system of Eisenberg also has a means for simulating a false transaction, once the emergency PIN is entered, as a means to deceive the potential thief. The same thing could be done if an excess amount of money is requested for withdrawal.

Re Claim 4: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the machine includes a plurality of transaction function devices, and wherein the computer is operative to include image data in the data store responsive to operation of each of a plurality of transaction devices during a transaction. However it was well known in the art that many different types of transactions can be performed at an ATM and therefore would have been obvious to anyone skilled in the ordinary art at the time of invention. In this way a user at an ATM can perform a variety of banking functions remote from their financial institution. Furthermore, the system of Eisenberg is designed to secretly activate security measures through user-initiated actions that appear normal. The example used is for a user to enter an emergency PIN to signal to the central computer that something is wrong. However, if the user has already entered their normal PIN and is later accosted, it would be advantageous to have further methods to allow the user to activate the security means without notifying the thief. Furthermore the system could have certain automatic triggers that may indicate the possibility of a theft including the

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withdrawal of an unusual amount of money, transfer of a large sum or the incorrect entering of the PIN. These types of security measures at an ATM are commonplace and would have been obvious to anyone skilled in the ordinary art at the time of invention as a way to help eliminate fraud or at the very least record the theft. Finally, as Eisenberg points out, some ATMs might always record a transaction at the machine, regardless of the situation but might provide enhancement feature should a trigger be activated (Column 3, lines 50-53).

Re Claim 5: Eisenberg in view of Anonymous discloses the claimed apparatus supra and while not explicitly disclosing the steps comprising instructions including a sequence, wherein the computer is operative to sense lack of usable video from a first camera and to store image from a second camera responsive to the sequence, the apparatus of Eisenberg does include multiple cameras providing additional views of the scene that are activated by the central computer (Column 3, lines 13-16). While not disclosing a specific sequence involved in the camera activation, Eisenberg does note that the system must decide between either enhancing the current camera or enabling different views of the scene. The computer must therefore have some way to determine which route to proceed based upon the video being recorded at the time. Otherwise the system would just randomly activate one feature or the other and could in fact hinder the recording.

Re Claim 6: Eisenberg in view of Anonymous discloses the claimed apparatus supra and Eisenberg further discloses wherein the banking machine includes an input device (Fig 1, Ref 2), and wherein the input device receives data through the input

device (Fig 2, Refs 101, 106, 113) and wherein the banking machine carries out the transaction function responsive to the input data (Fig 2, Ref 108). Eisenberg does not explicitly disclose wherein the computer is operative to include in the data store transaction data corresponding to the input data but Anonymous discloses a data store that housed information on customer activities. It would have been obvious to anyone skilled in the ordinary art to include the teachings of Anonymous to the disclosure of Eisenberg because banks have for some time recorded into a database, records of transactions in case they might need to be revisited later. If there were no such recording, it would be difficult for banks to deal with disputed transactions and potential fraud as they would have no way to dispute or prove a transaction.

Re Claim 7: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the user terminal is operative to process the transaction data with the browser and to output indicia corresponding to the transaction data with the output images through the output device. As was noted in the rejection of claim 1, Anonymous discloses that browser software would have been obvious to anyone skilled in the ordinary art at the time of invention as a means to display information contained on the network. It also follows then that the user terminal would have to be operative to process the stored information on the network, whether it be images or transaction data or else the individual user terminal would be useless. Eisenberg notes that security personnel or police would be connected to the network, via a modem and stored information can be viewed at their respective user terminals (Column 2, lines 1-3). Having transaction information associated with the images would

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be obvious to anyone skilled in the ordinary art as a means to determine such things as the amount exactly of money stolen, the time of day of the transaction and the location of the theft which would aid in both recovering assets for the user and perhaps apprehending the perpetrator.

Re Claim 8: Eisenberg in view of Anonymous discloses the claimed apparatus supra and further Eisenberg discloses a second camera wherein the second camera produces second camera signals corresponding to a service area of the machine, and wherein the computer is operative to include in the data store image data corresponding to the second camera signals (Column 3, lines 13-16).

Re Claim 9: Eisenberg in view of Anonymous discloses the claimed apparatus but does not explicitly disclose wherein the second camera is located in an interior of the automated banking machine, however Eisenberg notes that the system is enabled to provide "multiple additional views of the scene (column 3, lines 13-16)," and it would have been obvious to anyone skilled in the ordinary art to include a camera located in the interior of the automated banking machine as a way to capture close up images of the person or persons standing at the machine. These interior cameras were widely used at ATMs for exactly this purpose and provide supplemental images to the overall scene.

Re Claim 13: Eisenberg in view of Anonymous discloses the claimed apparatus supra and Eisenberg further discloses wherein the data store includes instructions representative of a sequence and wherein the computer is operative to include image data in the data store, and wherein the user terminal has in connection therewith a user

terminal input device. In the case of Eisenberg, the sequence would be the input of the "emergency PIN" that triggers the camera to include image data (Fig 2, 110/116). While not explicitly disclosing the step wherein the sequence is changeable through an input to the user terminal input device, this step was both old and well known and furthermore would have been obvious to anyone skilled in the ordinary art at the time of invention so that a user could both select their appropriate PINs and change them if need be. A PIN must be something that a user can easily remember, especially in time of crisis and therefore it would be advantageous for them to set this number themselves. Furthermore, should they forget their emergency PIN it would be useful for the person to be able to reset the number so it will be ready if they need to use it in the future.

Re Claim 17: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the server and the data store are located within the banking machine. However Eisenberg does disclose that the ATM system may include the central computer (Column 2, lines 59-68) and it is well known in the art for a computer to act both as a server and a data store. Furthermore, having all parts of the system, including the centralized server and data store disclosed by Anonymous located at the banking machine would be advantageous so that information does not need to be collected from a variety of remote sources, but rather from one local site.

Re Claim 22: Eisenberg in view of Anonymous discloses the claimed apparatus supra however does not explicitly disclose the step wherein the data store comprises a recording device having a removable storage medium, wherein the image data is recorded on the removable storage medium. However this step is old and well known in

security systems and would have been obvious to anyone skilled in the ordinary art.

Security cameras are often times connected to VCR devices in order to record information onto a tape. These tapes can then be removed and cataloged for record keeping purposes.

Re Claim 25: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the banking machine includes an imaging device, wherein the imaging device is operative to generate document signals corresponding to at least one appearance feature of documents input to the machine and wherein the data store includes instructions and the computer is further operative responsive to the instructions to include in the data store document image data corresponding to the document image signals. However, imaging devices such as the one discloses are old and well known and would have been obvious to anyone skilled in the ordinary art at the time of invention for use in ATMs as a means to record certain transactions such as a check deposit. ATM machines have image readers that accept and record the face of a check for record keeping purposes and store them in a CPU, in case there are later issues with the transaction (i.e. not recorded, disputed amount).

Re Claim 26: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the document image data is stored in correlated relation with image data produced responsive to the camera signals. However Anonymous discloses the storage of "customer activities (page 2, paragraph 6)" and it would have been obvious to anyone skilled in the art at the time of invention to include this feature to create a better universal record of the entire

transaction. In this manner if a transaction needs to be recalled, there will be a correlated record of the transaction history, scene depiction from the camera and images of the accepted documents all in the same record. This process will be much more efficient than having to manually synch the separate variables which would be exceedingly more difficult.

Re Claim 27: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the data store includes further instructions and the server is operative responsive to the further instructions to deliver the document image data through a network. However if the image reader were to send the image to the CPU it would have been obvious to anyone skilled in the ordinary art at the time of invention to do so via a network as this is the most efficient way to send information of this sort. The other options including transferring the images to a machine-readable medium are more tedious and time consuming and render the network option the most appealing.

Re Claim 28: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step further comprising a document verification terminal in operative connection with the network, and wherein the document verification terminal is in operative connection with a verification data store including data representative of indicia which is indicative of the genuineness of documents, and wherein the document verification terminal includes a further browser and wherein the document verification terminal is operative to access the document image data through the server and to compare the document image data and the indicia from the verification

data store. However it was well known in the art for banks to have document verification procedures in order to ensure the genuineness of received documents, including consulting databases of previously verified ones from which to compare. Furthermore maintaining electronic versions of such databases (such as the ones disclosed by Anonymous) limits the time and effort necessary to do this properly. It would have been obvious to anyone skilled in the ordinary art to include these verification procedures to the disclosure of Eisenberg in view of Anonymous so that the banking institution can quickly and easily verify documents and not accidentally accept a fraudulent or improper document.

Re Claim 29: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the indicia in the verification data store corresponds to written signatures and wherein the document verification terminal is operative to compare signatures in documents represented by the document image data to data representative of the written signatures in the verification data store. However, comparing a written signature to previously stored and accepted signatures is an old and well-known verification method and would have been obvious to anyone skilled in the ordinary art. Because a recipient must endorse any check that is cashed or deposited, comparing signatures is a trusted and highly accepted way to verify documents.

Re Claim 30: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the output device of the user terminal comprises a display and wherein the display is operative to display a plurality of

images corresponding to operation of the transaction function devices during the transactions together in a set on the display. However Eisenberg does disclose that video and audio can be transmitted via modem to separate user terminals (Column 2, lines 1-3). It would only be obvious to anyone skilled in the ordinary art at the time of invention for these user terminals to have a display or else the sent video could not be viewed and would therefore be useless.

Re Claim 31: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the user terminal further comprises an input device, wherein the input device is selectively operative to select one of the images in a set and wherein the user terminal is operative to selection of one image in a set, to display a larger version of the selected image on the display. However it was old and well known in the art at the time of invention and would be obvious to anyone of ordinary skill that computers and applicable software on said computers allow users to manipulate, in a variety of ways, video images displayed on a monitor. In this manner a user could see a larger view of the image in question if the smaller picture was not sufficient. A larger view might, for instance, give a better view of a possible thief's facial features.

Re Claim 32: Eisenberg in view of Anonymous discloses the apparatus supra but does not explicitly disclose wherein the banking machine is operative to produce transaction data responsive to operation of at least one transaction function device and wherein the computer is operative to store data responsive of the transaction data in a data store in correlated relation with the corresponding image data and wherein the

transaction data is accessed by the user terminal with the browser, and wherein the corresponding transaction data is output on the display of the user terminal with the selected image. However it would have been obvious to anyone skilled in the ordinary art at the time of invention to include transaction data related to the appropriate image data in a record of the transaction in order to get a better universal picture of the transaction in question. In this manner a person on the user terminal, such as security personnel, will have a better frame of reference from which to observe the transaction and can make more appropriate deductions. Storing these records, in a database like the one disclosed in Anonymous (page 2, paragraph 6) in correlated relationships will make the process much more efficient as the user will not have to retrieve records from two different locations. This information would also fall under the category of "customer activities," disclosed as being stored in a database by Anonymous.

Re Claim 33-34: Eisenberg in view of Anonymous discloses the claimed method supra but does not explicitly disclose wherein the display includes an icon and wherein selection of the first icon with the input device is operative to selectively cause images in a series of images to be made visible on the display as well as a second icon wherein the selection of the second icon with the input device is operative to cause at least one image in a second direction in the series other than the first direction to be made visible on the display. However it was well known in the art at the time of invention to computers such as the one at the user terminal to make use of icons through software programs. Furthermore, if the video were separated into different frames or representative of different camera angles, as is the case with many security videos, it

would be obvious to allow a user interested in the images to see one particular frame in a sequence, especially if that frame contains valuable information (facial features ect) that other frames may not, or to view two distinct frames to note any similarities or differences.

Re Claim 35-37: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose all the potential manipulations of video images through computer means, specifically the use of icons. However, it was well known in the art at the time of invention to use the computer to manipulate video images in ways that are suitable for the user. The computer is a powerful tool that allows for multiple image display, zooming, frame splicing, and time sequencing, among others that are much more useful and efficient than traditional methods. It would have been obvious to anyone skilled in the ordinary art to use a computer including the well known usage of icons to view security camera footage as the computer allows for more in depth analysis at a much more efficient pace than traditional methods.

Re Claim 38: Eisenberg discloses an automatic teller system and method of operating the same comprising

- An automated teller machine wherein the ATM includes a plurality of function devices (Column 2, lines 59-68)
- At least one camera adjacent the ATM machine wherein the camera is operative to produce camera signals corresponding to at least one human image (Column 3, lines 13-16)

- A computer in operative connection with the at least one camera (Fig 1, Ref 10)
- A terminal in operative connection with a network wherein the terminal is remotely located from the ATM wherein the terminal is operative to receive image data (Column 2, lines 1-3)

Eisenberg does not explicitly disclose

- A data store in operative connection with the computer wherein the computer is operative to store image data corresponding to the camera signals in the data store responsive to operation of a selected function device, wherein the computer is operative to store the image data on a first date
- At least one communication network in operative connection with the data store
- The terminal in operative connection with the data store, wherein the terminal includes a display device, wherein the terminal is operative to receive stored image data on a second date different from the first date and wherein the terminal is operative to display images corresponding to the retrieved image data through the display device

Anonymous discloses the use of a centralized server, accessible by an automated teller machine that is in operative connection to a database (Page 2, paragraph 6 under "ATM's on Intranets"). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the

disclosure of Eisenberg so that an ATM will be able to access and consult an exterior source of information that holds data related to the customer using the machine. This would provide an efficient way for the machine to both access, record and store customer data without having to store each customer's account locally and furthermore would provide a more extensive database with more customer information available.

Anonymous discloses automated teller machines that are equipped with browsers and are connected to a TCP/IP compliant network (See Abstract and Page 2, paragraph 1). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg to allow for the downloading and implementation of new or otherwise absent transaction functions to any ATM, as well as allow the ATM to consult outside sources, like a Bank website. This feature would further allow an ATM to be upgraded to include the latest technology in a fast and efficient manner, and provide the customer with state of the art features, and access to online banking functions.

Furthermore, the fact that the video and audio is sent to security personnel (Eisenberg renders a display device at the remote user terminal inherent. Without a display for viewing the images from the camera, sending the data to security personnel would be moot.

However it was well known in the art at the time of invention, and therefore obvious to anyone of ordinary skill, for computer to have a data store in order to store information for later recall, including on a separate date. In an ATM system like Eisenberg a central computer would almost certainly contain a storage device for

transaction information as well as the video and audio information obtained by the camera for security purposes. If there were not data storage means, any hopes of eliminating the fraud associated with a transaction would have to be witnessed live. By storing this information, security personnel, the affected user and the police could all recall the information at a later time to assess the situation and decide upon corrective measures. Furthermore, the fact that the video and audio is sent to security personnel (Column 2, lines 1-3) renders a display device at the remote user terminal inherent. Without a display for viewing the images from the camera, sending the data to security personnel would be moot.

Re Claim 39: Eisenberg in view of Anonymous discloses the apparatus supra and further Eisenberg discloses wherein the function devices comprise transaction function devices (See Fig 1, "cash dispenser"), wherein the computer is operative to store image data corresponding to the camera signals in the data store responsive to operation of selected transaction function device during an ATM transaction (Column 3, lines 1-16). In Eisenberg, the computer is operative to activate cameras upon the user entering the emergency PIN, which constitutes a transaction. As in claim 38, it would be obvious for the camera to store this image data so that someone observing the camera signals would not have to witness the event live, but could review the stored data at a later time.

Re Claim 40: Eisenberg in view of Anonymous discloses the claimed apparatus and Eisenberg further discloses wherein the camera is operative to produce camera signals corresponding to a customer of the ATM and wherein the terminal is operative to

display images corresponding to the customer image data through the display device
(Column 1 line 62-Column 2 line 3).

Re Claim 41: Eisenberg discloses an apparatus comprising

- An automated teller machine including a plurality of transaction function devices (Column 2, lines 59-68)
- At least one image device adjacent the ATM, wherein the image device is operative to produce signals corresponding to images (Column 3, lines 13-16)
- A computer (Fig 1, 10), wherein the computer is in operative connection with the machine and (FIG 1) and wherein responsive to the ATM carrying out at least one ATM transaction function through operation of at least one transaction function device, the computer is operative at a first time to cause image data corresponding to the signals (Column 1, lines 58-Column 2, line 3). The image device activates upon the customer entering an emergency PIN, which constitutes a transaction
- At least one communication network in operative connection with the computer (Column 2, lines 1-3)
- A user terminal including an output device in operative connection with the network and is operative to output images corresponding to the image data through the output device (Column 2, lines 1-3)

Eisenberg does not explicitly disclose wherein

- The computer includes a server in operative connection with a data store

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- The communication network is in operative connection with the server
- Wherein the user terminal is operative to communicate with the server and to output images corresponding to the image data through the output device at a second time subsequent to the first time

Anonymous discloses the use of a centralized server, accessible by an automated teller machine that is in operative connection to a database (Page 2, paragraph 6 under "ATM's on Intranets"). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg so that an ATM will be able to access and consult an exterior source of information that holds data related to the customer using the machine. This would provide an efficient way for the machine to both access, record and store customer data without having to store each customer's account locally and furthermore would provide a more extensive database with more customer information available.

Anonymous discloses automated teller machines that are equipped with browsers and are connected to a TCP/IP compliant network (See Abstract and Page 2, paragraph 1). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Anonymous to the disclosure of Eisenberg to allow for the downloading and implementation of new or otherwise absent transaction functions to any ATM, as well as allow the ATM to consult outside sources, like a Bank website. This feature would further allow an ATM to be upgraded to include the latest technology in a fast and efficient manner, and provide the customer with state of the art features, and access to online banking functions.

Furthermore, by storing this information, security personnel, the affected user and the police could all recall the information at a later time to assess a potentially fraudulent situation and decide upon corrective measures.

Re Claim 42: Eisenberg in view of Anonymous discloses the claimed apparatus but does not explicitly disclose wherein the at least one image device is located in an interior of the automated teller machine, however it would have been obvious to anyone skilled in the ordinary art to include a camera located in the interior of the automated banking machine as a way to capture close up images of the person or persons standing at the machine, aiding in future identification.

Re Claim 43: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the server and the data store are located within the banking machine. However Eisenberg does disclose that the ATM system may include the central computer (Column 2, lines 59-68) and it is well known in the art for a computer to act both as a server and a data store. Furthermore, having all parts of the system, including those disclosed by Anonymous, located at the banking machine would be advantageous so that information does not need to be collected from a variety of remote sources, but rather from one local site.

Claims 10-11, 14-16, 18-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg in view of Anonymous and further in view of Hoang (US 6,014,183).

Re Claim 10: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose wherein the data store further includes motion detection instructions and wherein the computer is operative responsive to the motion detection instructions to include the image data corresponding to the second camera signals in the data store.

Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62). Furthermore Hoang notes the usefulness of the invention at ATMs (Column 3, lines 62-66). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the invention of Eisenberg so that a system monitoring an ATM would not have to record every scene at the device, but would only record changes over a certain time. This would save room on the data store and also allow for a more efficient way to review the device as opposed to searching through the recording in real time.

Re Claim 11: Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose the step comprising a door, wherein opening the door is operative to provide access to the service area and further comprising a sensor in operative connection with the door and further comprising instructions in the data store, wherein the computer is operative responsive to the instructions and the sensor indicating that the door has been moved to an open condition, to include the image data corresponding to the second camera signals in the

data store. However it was well known in the art at the time of invention for ATMs to be located in vestibules accessible through a door to the exterior. Furthermore the opening of the door as claimed, would constitute a "scene change" as disclosed by Hoang (Column 1 line 63- Column 2 line 1), and would activate the camera and storage features should the door be opened.

Re Claim 14: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the data store includes instructions for determining a time period during which the data store is expected to continue to accept additional data, and wherein the computer is operative responsive to the instructions to calculate such a time period.

Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62). Hoang discloses that a preferred embodiment of the invention the scene detection device can convert video into individual framed scenes and store a sequence of individual frames (representing a time period) depending on the implementation of the user (Column 6, lines 5-18). Furthermore Hoang notes the usefulness of the invention at ATMs (Column 3, lines 62-66). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include instructions for a time period in which the data store will accept data so that after a certain amount of inactivity of the scene, data will no longer be stored saving memory space. If this feature were not included, data will be stored

continuously after an initial trigger, even if the useful information is only 20 seconds long. Valuable memory space would then be taken up by an essentially static situation.

Re Claim 15: Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra and Hoang further discloses wherein the instructions include message instructions for sending a message and wherein the computer is operative to the message instructions to send a message through the network wherein the message includes data representative of the time period. As Hoang points out, the time period of recorded frames is dependent upon the options selected by the user (Column 6, lines 15-18) and following this logic, the user must be able to send this information as a message through the network to the controlling CPU for implementation.

Re Claim 16: Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose the step wherein the data store includes a transaction history pattern and wherein the computer calculates the time period responsive to the transaction history pattern. However, it was well known in the art at the time of invention for ATMs to store a transaction history for record keeping purposes in case a transaction is later disputed and therefore would have been obvious to include in any ATM apparatus. Furthermore it would have been obvious for a user to set instructions to record images so long as a transaction was in progress at the machine. In this manner the video from the camera can be set in synch with the transaction history to provide more information about the scene as a whole. Hoang allows for the user to implement instructions, such as the ones disclosed, to the CPU with regards to the storing of the video frame scenes (Column 6, lines 15-18).

Re Claim 18: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the camera signals are transmitted to the computer through a network. Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62) and further shows a two way communication network between the cameras and the CPU (Fig 1, and Column 3, lines 35-61). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the disclosure of Eisenberg in view of Anonymous to allow for the efficient transfer of information from the camera to the computer without taking additional steps of removing a tape from the camera and then recording the information of the tape onto the CPU.

Re Claim 19: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step further comprising a camera server in operative connection with the camera, wherein the camera server is in operative connection with the computer. Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62) and further discloses a camera server in operative connection with the cameras and the computer (Fig 4 and Column 5, lines 15-33). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to

the disclosure of Eisenberg in view of Anonymous in order to compile scenes from a variety of cameras before sending a relatively compact record of the scene to the CPU.

Re Claim 20: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step further comprising a plurality of cameras and wherein a further network is in operative connection with the plurality of cameras and the computer, wherein the plurality of cameras communicate with the computer through the further network. Hoang discloses an apparatus for detecting scene changes in a digital video stream wherein a change in a video stream is detected the apparatus catalogs the change and saves a representative frame (Column 1, lines 52-62) and further discloses a further network with a plurality of cameras that communicates with the computer via said network (Fig 4, Column 5, lines 15-33). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the disclosure of Eisenberg in view of Anonymous to in order to compile scenes from a variety of cameras before sending a relatively compact record of the scene to the CPU, freeing up memory and processor space on the CPU network.

Re Claim 21: Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra and while not explicitly disclosing the step wherein the further network includes a power supply network this step would have been obvious to anyone skilled in the ordinary art so that the cameras will not fail due to lack of power. If there were no power supply associated with the camera network, some cameras may turn off limiting the usefulness of the apparatus.

Re Claim 23: Eisenberg in view of Anonymous discloses the claimed apparatus supra but does not explicitly disclose the step wherein the data store includes instructions for determining if an amount of image data in the data store is at a level, and further comprising a remote data store in operative connection with the network, wherein the computer is operative responsive to the amount of image data being as great as the level to transfer data through the network to the remote data store. Hoang discloses that a user of his apparatus may provide instructions as to when to stop recording if a predetermined amount of storage space on the data store has been exceeded (Column 7, lines 36-48). While not explicitly disclosing a backup data store, such configurations in security systems are common in case one system fails or memory space is limited. By providing a backup data store, it is less likely that certain video will not be recorded. It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Hoang to the disclosure of Eisenberg in view of Anonymous so that potentially valuable information is not lost due to lack of storage space on the data store.

Re Claim 24: Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose wherein the data store includes further instructions wherein the computer is operative responsive to the further instructions to erase image data in the data store after transfer of such image data to the remote data store. However this step would have been obvious to anyone skilled in the ordinary art at the time of invention so that memory space on the original data store can be maintained for future recording. If there were no way to erase previously

transferred video, then once the data store reaches its maximum capacity no further recording can occur.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg in view of Anonymous in view of Hoang as applied to claim 11 above, and further in view of Wookey (US 6,023,507).

Re Claim 12: Eisenberg in view of Anonymous in view of Hoang discloses the claimed apparatus supra but does not explicitly disclose wherein the computer is further operative responsive to the instructions to send an email message through the network. Wookey discloses an automatic remote computer monitoring system that discloses such step (Column 6, lines 61-Column 7, line 7). It would have been obvious to anyone skilled in the ordinary art at the time of invention to include the teachings of Wookey to the apparatus of Eisenberg in view of Anonymous in view of Hoang so that problems identified by an individual utilizing the system can be quickly and efficiently sent to the central computer, or vice versa, and the system can be programmed with corrective actions.

(10) Response to Argument

Appellant's arguments filed 9/25/2006 with respect to claims 1-43 have been considered but are they are not persuasive.

The Appellant contends that the Examiner's rejection of claims 1-9, 13, 17, 22, and 25-43 pursuant to 35 U.S.C. 103(a) as unpatentable over Eisenberg in view of

Anonymous (hereinafter "Java" to remain consistent with Appellant's brief), the rejection of claims 10-11, 14-16, 18-21, and 23-24 pursuant to 35 U.S.C. 103(a) as unpatentable over Eisenberg in view of Java in view of Hoang, and the rejection of claim 12 as pursuant to 35 U.S.C. 103(a) as unpatentable over Eisenberg in view of Java in view of Hoang in view of Wookey is improper. However, after a careful consideration of the arguments, the Examiner respectfully disagrees for the reasons that follow, and submit to the board that the rejections are proper and should be maintained.

After establishing the legal basis for the points of arguments (Brief Page 9) and providing a review of Eisenberg and Java (Brief Pages 10-11), Appelants argue that neither reference teaches or suggests the following features of claims 1-9, 13, 17, 22, and 25-43:

1. A computer/server that stores camera image data in a data store responsive to the automated banking machine carrying out a transaction function.
2. A user terminal browser that communicates with the server to access the image data from the data store

Feature 1

The examiner respectfully disagrees. First, it should be noted that the claim 1 does not actually call for a computer that stores camera image data (Appendix A-1); but rather a computer/server that is "operative to include image data corresponding to camera signals..." (emphasis added). Intended use recitations and other types of functional language cannot be entirely disregarded. However, in apparatus, article, and

composition claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); *In re Otto*, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963).

Eisenberg shows a computer in operative connection to an automated teller machine and a camera (Figure 1). This camera is “set up at the automated teller machine to record the transaction” (Column 1-lines 63-64). Appellant continues to argue that this is a live video that is sent to the local police, and therefore does not store image data in a server data store (Brief Page 12-13). To the first point, the Boards attention is again directed to the fact that the camera records the transaction for later apprehension and conviction, which indicates that the images are in fact stored and not a live feed (Column 1 lines 62-67). To the second point, the claim never recites a “server data store,” as Appellant argues (Brief Page 14). The claims recite a “computer including a server in operative connection to a data store” (Appendix A-1) and not a server data store. In order for the camera “to record the transaction,” as disclosed by Eisenberg, a data store, in some form is inherently present. How else would this data be recorded? Appellant argues that the camera of Eisenberg most likely uses a local medium such as a tape in the camera itself. The examiner believes this qualifies as a ‘data store’ as claimed, and a further reading of Eisenberg indicates that “The central

computer also actuates camera either by enabling additional views of the scene or by enhancing the view of the scene such as by taking a close up of the scene (Column 3, lines 13-16)." It thus appears that the computer is in fact in operative connection to a data store (the camera), as claimed by Appellant. However, even if the claim is interpreted as having a 'server data store,' at a centralized location, the Java reference discloses this.

Java discloses "a massive database on a centralized server that ATMs will be able to access via an intranet data warehouse configuration. The database will hold information on customer activities across all banking channels. (Java Page 2 Under "ATM's on Intranets."). Appellant argues that Java doesn't store image data, especially image data captured by a camera at an ATM and, at best stores transaction data (Brief page 15). However Eisenberg discloses that cameras "record the transaction, (Column 1, line 64)" and the examiner maintains that a recording of images of a transaction would be encompassed within "transaction data" or "customer activities."

As further evidence that image data is part of transaction data, and was readily stored in such databases the examiner submits the McManus reference as evidence. McManus, an article form 1996, discloses an ATM, with a video camera enabled "to photograph an iris of a customer who simply stands facing the machine. The 256-byte image code representing the image is then compared with information in a database, and if it matches the record on file for that individual's iris, the customer can proceed with a transaction (McManus; Abstract last paragraph)."

As a final argument with regard to the aforementioned Feature 1, Appellant argues that Eisenberg does not suggest storing image data responsive to a transaction because Eisenberg specifically teaches actuating the camera in response to a message from a central computer that is remotely located from the ATM (Brief page 16). However the central computer acts to actuate the camera in response to the customer entering a specific PIN at the ATM (Column 1 lines 53-67). In other words, the camera would not be actuated (and the transaction not recorded) unless the customer first enters that specific PIN at the ATM. Therefore the storing of the image data, is in fact, ultimately responsive to a transaction. As an aside the Appellant routinely recites that in Eisenberg a police computer would determine whether the video was stored (Brief page 16). Examiner feels this is not true as it is actually the camera set up at the ATM that does the recording (Eisenberg Column 1 lines 62-67). After that, video and audio information can be transmitted via modem bank security or the police at the same time (Eisenberg Column 2, lines 1-3).

Feature 2

Examiner respectfully disagrees with Appellants arguments. Appellant asks where the references teach or suggest a user terminal using a browser to communicate with a server to access data store image data and to output images corresponding to the accessed image data through an output device? (Brief Page 17) However, as noted previously with respect to feature 1, the Examiner respectfully submits that Appellant has only claimed a user terminal, including a browser and a server that "is operative to output images corresponding to the image data through the output device" (Appendix A-

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1). As was the case previously, if the prior art structure is capable of performing the intended use then it meets the claim. In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); In re Otto, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963).

Examiner maintains that Eisenberg shows a user terminal including an output device in operative connection with the network (Column 2 lines 1-3). Eisenberg does not disclose a browser and a server-type system to distribute these images. Java discloses browsers in ATMs that can access a massive database from a centralized server that ATMs (with browsers) can access. Furthermore Java teaches "Java applets residing on this central server will be distributed to consumers' PCs (i.e. user terminal). It appears, to the examiner, that all the claimed structural limitations are thus disclosed by the references.

Appellant then proceeds to try and undercut the examiners motivation and reason for coming the references. The first such statement is that one skilled in the art would not store images of ATM theft (which are immediately needed by the security people/police) on a marketing database. Again Eisenberg specifically states, in direct contrast to Appellants contention that "cameras set up at the automatic teller system to record the transaction either in an enhanced manner or with more cameras so that the identity of the thief can be more reliably obtained for later apprehension and conviction." The examiner simply does not buy the Appellant's arguments that 'recording' is not 'storing,' and that the images are only relevant in real time, when Eisenberg teaches the opposite.

Appellant next argues that Eisenberg teaches away from a user terminal having a browser (Brief page 18). No rationale is provided as to why Appellant believes there is a teaching away. The Office Action has stated explicitly that Eisenberg is silent about a browser, so how it could 'teach away' from a browser is unclear. It should be noted that Eisenberg was filed in 1992. This was some years before the popular implementation of digital media and server/browser systems for automated cataloguing and searching. The examiner points to abstracts of Barthel and 'Digital" as evidence of this. The fact that technology was not available to Eisenberg at the time of his invention does not constitute a teaching away. However, the fact that this knowledge was publicly available, before Appellants invention does support a finding of obviousness. Java discloses browser enabled ATMs and browser enabled PC's that can access massive databases of digital information (Java; Page 2). The examiner believes this makes up for the technology deficiencies of Eisenberg and supports his finding of obviousness with respect to claim 1 of the present invention.

Regarding independent claims 38 and 41, Appellant has stated, for reasons of brevity, that previous arguments regarding the patentability of claim 1 are incorporated by reference (Brief page 33 and 36). Likewise, the Examiner does the same.

Regarding claim 10, the Appellant argues that the references do not teach or suggest using the stored motion detection instructions to include the image data in the data store. However, the Examiner believes the Hoang reference is sufficient for this purpose. Hoang discloses storing output of a security camera at an ATM, responsive to

scene changes (Column 3, lines 66-Column 4, line 6). In other words responsive to changes in motion, the images are stored. This appears to read directly on the claim.

Regarding Claim 12, Appellant argues that it would be unreasonable to have an individual using Eisenberg's ATM send an email to the central computer. However, the Appellant ignores the Java and reference, which was entered in support of the server/browser/ATM system. As has been previously noted, Eisenberg was filed in 1992. This was some years before the popular implementation of digital media and server/browser systems for automated cataloguing and searching. The examiner points to abstracts of Barthel and 'Digital" as evidence of this. The fact that technology was not available to Eisenberg at the time of his invention does not constitute a teaching away. However, the fact that this knowledge was publicly available, before Appellants invention does support a finding of obviousness. Java discloses browser enabled ATMs and browser enabled PC's that can access massive databases of digital information (Java; Page 2). Wookey discloses the email feature. The examiner believes these facts make up for the technology deficiencies of Eisenberg and supports his finding of obviousness with respect to claim 1 of the present invention.

The remaining dependent claim arguments appear to have been grouped, by Appellant, under at least one of the aforementioned independent claims or under a particular set of references. The examiner will let the rejections of the most recent Office Action stand as their own argument in response.

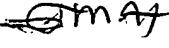
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Tim Harbeck 
Art Unit 3692

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